

EXHIBIT E

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

- V - :

DECLARATION
19 Cr. 374 (JMF)

MICHAEL AVENATTI, :

Defendant. :

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I, Michael John Avenatti, hereby affirm under penalty of perjury, pursuant to 28 U.S.C. § 1746, as follows:

1. I was first licensed to practice law in California in June 2000 and later co-founded the firm Eagan Avenatti, LLP (aka The Trial Group) ("EA"), a California law firm, in approximately August 2007 with two other equity partners. In 2011, I became the Managing Partner of EA. I am presently still licensed to practice law in California but was placed on a temporary suspension in 2020 as a result of my conviction in the Nike-related criminal case in the Southern District of New York (19 Cr. 373 (PGG) (SDNY)).

2. By early March 2019, my firm and I had represented literally thousands of clients over the years in connection with various investigations and cases across the United States. Some of those clients had been represented by EA and attorneys of the firm in connection with federal criminal charges, or potential federal criminal charges.

3. As of March 2019 and continuing thereafter, the documents and materials relating to my and the other EA attorneys' representation of clients were stored primarily (i) on the law firm's multiple servers; (ii) within the hard copy files of the firm; and (iii) on the electronic devices of employees and attorneys of the firm, including me, as well as on the cloud (including on my iCloud account associated with the Apple ID identified in the search warrant issued by Judge Paul G. Gardephe on August 13, 2019).

4. These documents and materials collectively consisted of over one million emails, millions of pages of documents, numerous text messages and a huge amount of electronic data, the vast majority of which were protected by the work-product doctrine and attorney-client privilege.

5. From no later than the early 2000s and continuing through mid-January 2020, I regularly used my electronic devices, including my various laptops, iPads and cell phones, to communicate with my own legal clients, as well as counsel representing me in various criminal and civil matters, via phone, text message, and/or email. I additionally used my devices to draft and store notes and documents relating to my legal representation in this case (19 Cr. 374 (JMF) (SDNY)), the Nike prosecution (19 Cr. 373 (PGG) (SDNY)), and the CDCA prosecution (19-061-JVS (CDCA)) as well as to store

communications related to those cases, including emails and text messages. These devices included but were not limited to my iCloud account and the various other devices identified in search warrants issued in connection with this case.

6. I also understood during the years approximately 2012 through mid-January 2020 that information protected by the attorney-client privilege and work product doctrine was likewise being stored in the cloud, including in my iCloud account maintained with Apple. Included among this information were countless attorney-client privileged communications with clients I was representing, as well as communications between me and my counsel relating to my potential criminal exposure and criminal investigations concerning me.

7. Additionally, in late February 2018, I began representing Stephanie Clifford in connection with various personal and public matters, including but not limited to Ms. Clifford's efforts to secure a book deal relating to her life and liaison with former President Donald J. Trump. My representation of Ms. Clifford continued until I terminated it in writing on February 19, 2019. During this approximate 12-month time period, I communicated with Ms. Clifford over various electronic communication platforms, including but not limited to WhatsApp, SMS, and e-mail. Many of these communications across various platforms concerned Ms. Clifford's book deal.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief and that this Declaration is executed at Venice, California.

DATED: May 1, 2021
Venice, CA

A handwritten signature in black ink, consisting of a large, stylized 'A' with a horizontal line extending to the left and a loop on the right.

MICHAEL JOHN AVENATTI